

DECLARATORY

~~XXXXXXXXXXXX~~
Improvement Res. No. 1091-1962

For the condemnation of a permanent right of way for storm drainage and flood levee easement purposes across parts of the East $\frac{1}{2}$ of Section 9, Township 30 North, Range 12 East, said property being situated in the City of Fort Wayne, Allen County, Indiana.

For Junk Ditch Levee Res. 5117

Resolution Adopted:

Oct. 29, 1962

~~Confirmed~~ ALL ACTION RESCINDED
Jan. 10, 1963

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

B.O. 206-'62

~~Sever 197-62~~ Junk Ditch Levee 5117
Reas-

DECLARATORY RESOLUTION NO. 1091-1962

For the condemnation of a permanent right of way for storm drainage and flood levee easement purposes across parts of the East $\frac{1}{4}$ of Section 9, Township 30 North, Range 12 East, said property being situated in the City of Fort Wayne, Allen County, Indiana.

PLANS ORDERED:

ADOPTED:

Oct. 29, 1962

ADVERTISE NOTICE TO PROPERTY OWNERS: Nov. 5 & 12, 1962

HEARING ON CONFIRMATION: Thurs., Nov. 29, 1962 3:30 p. m.
Continued to Jan. 10, 1963, 3:30 p. m. Rem. Rec. 11/29/62

CONFIRMED:

ASSESSMENT ROLL ORDERED:

ALL ACTION RESCINDED

ASSESSMENT ROLL APPROVED:

JAN 10 1963

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL:

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED:

For condemnation of a permanent right of way for storm drainage and flood levee easement purposes across parts of

The East 1/2 of Section 9, Township 30 North, Range 12 East, said property being situated in the City of Fort Wayne, Allen County, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is decided and deemed necessary to condemn a permanent right of way for storm drainage and flood levee easement purposes across a strip of land 60 feet in width, located easterly of and measured from the centerline of the Junk Ditch, adjacent to, parallel with, and abutting same said centerline, and which is more particularly described as follows:

Beginning at a point on the centerline of Junk Ditch 60 feet South of the centerline of the Pennsylvania, Pittsburgh, Fort Wayne and Chicago Railroad; thence Southerly in and along the centerline of Junk Ditch 3,650 feet to a point, said point being 1,400 feet South of the centerline of Taylor Street.

All as shown by a plan of such proposed condemnation of right of way for storm drainage and flood levee easement purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said condemnation of right of way for storm drainage and flood levee easement purposes shall be borne by the City of Fort Wayne, Indiana.

The property which may be injuriously or beneficially affected by such condemnation of right of way for storm drainage and flood levee easement purposes is described as follows:

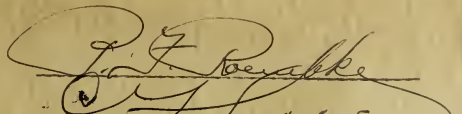
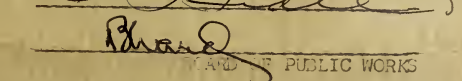
East 1/2 Section 9, Township 30 North, Range 12 East, all in Allen County, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporation", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

All streets, lots and lands affected by the above described condemnation are situated in the East 1/2 of Section 9, Township 30 North, Range 12 East, all in Allen County, Indiana.

ADOPTED THIS 29 DAY OF October 1962.



 BOARD OF PUBLIC WORKS

ATTEST:

CLERK

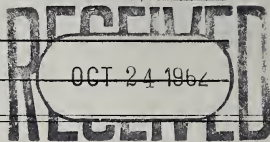
ENGINEERING
DEPT. OF STREETS

DATE October 24, 1962

TO: BOARD OF PUBLIC WORKS

SUBJECT: _____

806



Declaratory Resolution No. 1091-1962, which provides for the condemnation of right-of-way for the Junk Ditch Flood Levee, is completed and attached.

Please advise what Board Order Number is assigned to this project.

Drawing and property ownership list are also attached.

Edward Green
Edward Green
City Engineer

DEB:ld
attach.
cc: Mayor Burns

NOTED
☒ R.
☒ S.
☒ L. V.

Date 10/29/62
[Signature]

45-33-1

B.O. 206-162

Jan. 10, 1963

City Engineer

Dec. Res. 1091-1962 right of way for flood levee easement

ALL ACTION RESCINDED. For reason that the Board is in agreement with the objectors and pursuant with a subsequent engineering report the proposed improvement would not provide the benefits as anticipated by this Board.

Paul F. Roembke

C. L. Sidle

Berkeley Ward

BOARD OF PUBLIC WORKS

1c

cc: Mayor Burns

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, November 16, 1962

1091

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
pass Improvement **Declaratory** Resolution No. **1091-1962**
providing for the **Condemnation of a permanent right of way for storm drainage and Flood**
Levee easement purposes.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed **Thursday, November 29, 1962 at 3:30 pm.**
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

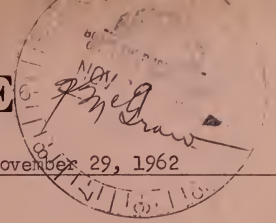
Space - Commercial 2nd & 3rd Add. Commercial Add.

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

REMONSTRANCE

Fort Wayne, Ind., November 29, 1962



To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate respectfully remonstrate against the passage of a resolution providing for the Condemnation of a permanent right of way for storm drainage and Flood Levee easement purposes, being known as Improvement Declaratory Resolution No. 1091-1962, for the following reasons:

- (1.) Improper notice is given---not improvement to property.
- (2.) No compensation is provided for property destroyed because of condemnation for right-of-way.
- (3.) Proposed improvement is not justified for public benefits.

NOTE: In case of joint deeds both husbands and wives must sign with their respective legal signatures.

NAME

Brad J. Frankenstein

ADDRESS

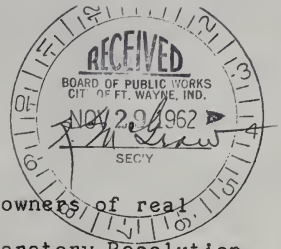
225 E. Berry St, Fort Wayne

Remonstrance
Against Passage
of a Resolution for

from _____
to _____

Filed with the Board of Public Works

REMONSTRANCE



We, the undersigned, occupants and owners of real estate within the lands described in the Declaratory Resolution No. 1091-1962 presently pending before the Board of Public Works of the City of Fort Wayne, Allen County, Indiana, whereby it is sought to condemn an easement or right-of-way for storm drainage and levee control purposes, over and across parts of the real estate owned by the undersigned, do hereby remonstrate, object, and oppose the approval or passage of said Declaratory Resolution. The undersigned do further allege and say that passage of said Declaratory Resolution No. 1091-1962 is unfair and unequitable, that it would not substantially benefit the property owners affected or the public generally, and would be to the great disadvantage of the undersigned. That the action suggested is in violation of the rights of the undersigned under and pursuant to the laws of the State of Indiana, the Constitution of the State of Indiana, and the Constitution of the United States of America. That the land owned by the undersigned and to be affected by said Declaratory Resolution No. 1091-1962 does not require additional storm drainage or flood levee control, and such a drain or ditch would be of damage to said land. The undersigned further represent and allege that the burden which would be placed upon the undersigned for the payment of the improvements contemplated would be greatly in excess of any benefit which the undersigned would receive by reason of said improvements but that no provision is made for any payment to the undersigned for the proposed taking. The undersigned further represent and allege that the course of action contemplated by said Declaratory Resolution No. 1091-1962 would create and impose a right-of-way

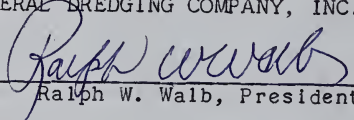
and easement across portions of the lands belonging to the undersigned which are proposed sites for buildings or other improvements to be placed thereon in the future, and that passage of said Declaratory Resolution would therefore create a hardship upon the undersigned and would unjustly and unlawfully deprive them of their right of property without just compensation.

The undersigned further allege and say that said Declaratory Resolution No. 1091-1962 should not be passed, nor should any attempt be made to enforce same for the reason that the procedure followed prior to the hearing thereon did not conform to the laws of the State of Indiana, pertaining thereto and more specifically to the law enacted by the State of Indiana under date of March 6, 1905, and entitled "An Act Concerning Municipal Corporations" as amended, and that proper notices were not given, nor was proper publication made, and in addition other technical requirements of the statute were not met.

WHEREFOREs, the undersigned, do hereby remonstrate and oppose the passage by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana of Declaratory Resolution 1091-1962 this 29th day of November, 1962.

GENERAL DREDGING COMPANY, INC.

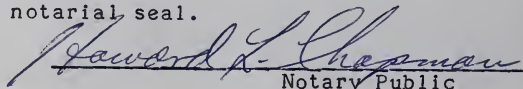
By


Ralph W. Walb, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Appeared before me, a Notary Public in and for said County and State, Ralph W. Walb, President of General Dredging Company, Inc., and acknowledged the execution of the foregoing instrument this 29th day of November, 1962.

WITNESS my hand and notarial seal.


Notary Public

My Commission Expires:

May 12, 1966

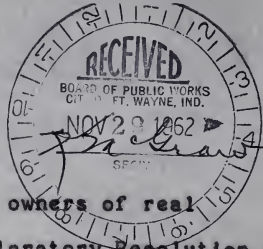
This Instrument Prepared by Howard L. Chapman.

REMONSTRANCE

SHOAF, KEEGAN & BAIRD
ATTORNEYS AT LAW
1108 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA

SHOAF, KEEGAN & BAIRD
ATTORNEYS AT LAW
1108 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA

REMONSTRANCE



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and easement across portions of the lands belonging to the undersigned which are proposed sites for buildings or other improvements to be placed thereon in the future, and that passage of said Declaratory Resolution would therefore create a hardship upon the undersigned and would unjustly and unlawfully deprive them of their right of property without just compensation.

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WHEREFOREs, the undersigned, do hereby remonstrate and oppose the passage by the Board of Public Works of the City of Fort Wayne, Allen County, Indiana of Declaratory Resolution 1091-1962 this 29th day of November, 1962.

AMERICAN HOIST AND DERRICK COMPANY

By

Howard L. Chapman
Howard L. Chapman, Attorney

STATE OF INDIANA)

)SS:

COUNTY OF ALLEN)

Acknowledged before me, a Notary Public in and for said County and State by Howard L. Chapman, Attorney for American Hoist and Derrick Company, this 29th day of November, 1962.

WITNESS my hand and notarial seal.

My Commission Expires:

September 4, 1964

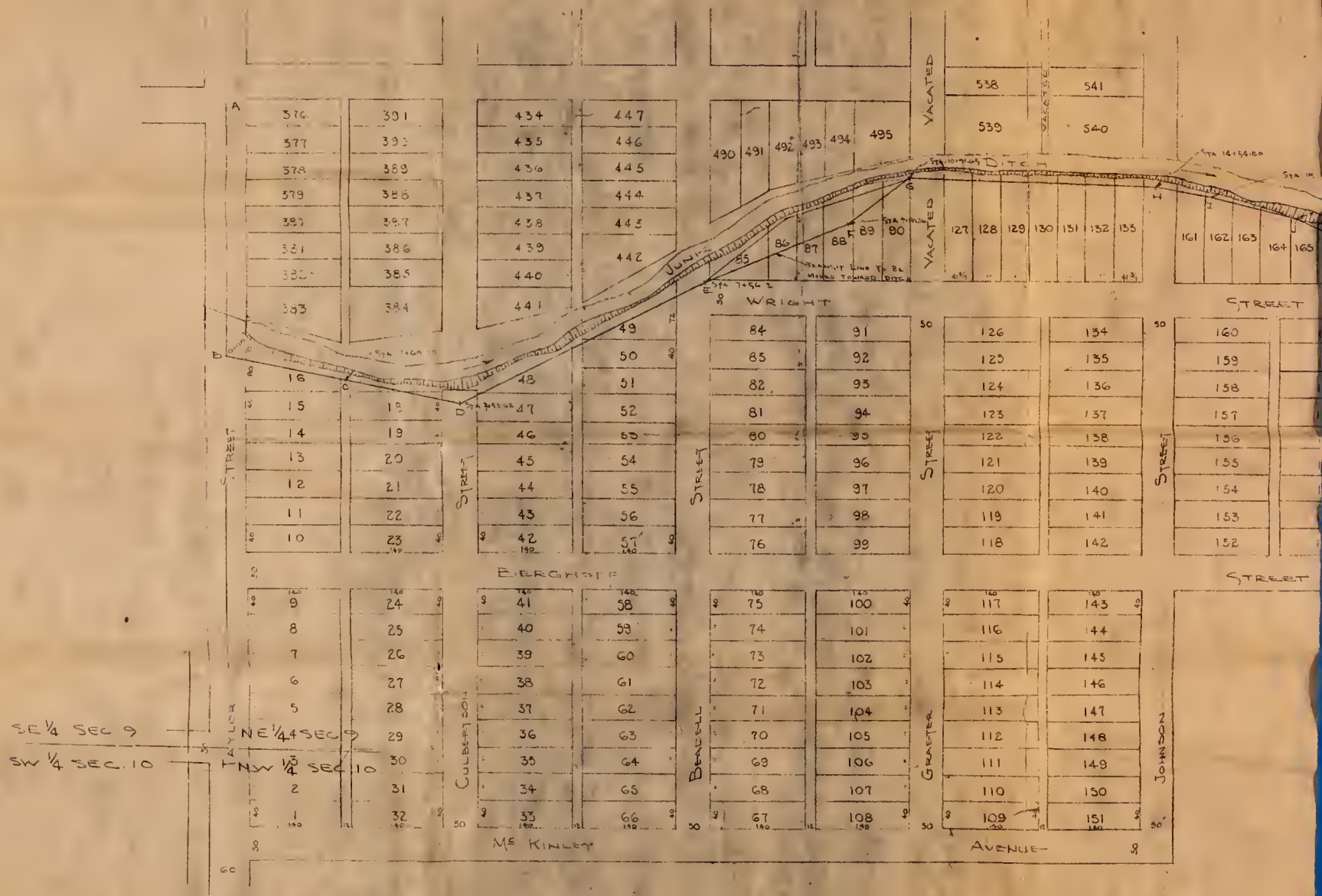
This Instrument Prepared by Howard L. Chapman.

JEANNE M. LAMPE
Notary Public
JEANNE M. LAMPE

REMONSTRANCE

SHOAF, KEEGAN & BAIRD
ATTORNEYS AT LAW
1108 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA

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ATTORNEYS AT LAW
1108 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA



PROPOSED JUNK DITCH FLOOD LEVEE

DECLARATORY RESOLUTION NO. _____ 1962



NOTE.

ALL LANDS CONCERNED ARE SITUATED IN THE SE 1/4, SEC. 31, T21N, R13E AND THE NE 1/4, SEC. 3, T30N, R13E

Approved
W. J. Smith
7/19/62



DITCH FLOOD LEVEE
 SOLUTION NO. 1902

CITY UTILITIES SEWER ENGINEERING DEPARTMENT 425 S. CALHOUN STREET FORT WAYNE, INDIANA	
1091 JUNK DITCH LEVEE NORTH OF TAYLOR STREET	
DESIGNED BY DRAWN BY J.E.F. & N.S. CHECKED BY APPROVED BY FINAL APPRVL.	SCALE 1" = 100' DATE 6-7-62 W.O. SHEET 1 OF 2 DRAWING NO. ET-10648



PROPOSED JUNK DITCH FLOOD LEVEE.

DECLARATORY RESOLUTION NO. 1952



NOTE:

ALL LANDS CONCERNED ARE SITUATED IN
THE SE 1/4 SEC. 31, T31N, R13E AND THE NE 1/4
SEC. 9, T30N, R13E

ATCH FLOOD LEVEE

OLUTION NO. 1-12

CITY UTILITIES SEWER ENGINEERING DEPARTMENT 425 S. CALHOUN STREET FORT WAYNE, INDIANA	
JUNK DITCH LEVEE SOUTH OF TAYLOR STREET	
DESIGNED BY DRAWN BY J.F.N.S. CHECKED BY J.O. APPROVED BY FINAL APPROVAL	SCALE 1"=100' DATE 6-7-62 W.O.# SHEET 2 OF 10 DRAWING NO. 5110248

Improvement Resolution No. 1091-1962 For CONDEMNATION OF A PERMANENT RIGHT OF WAY FOR STORM DRAINAGE AND FLOOD LEVEE EASEMENT PURPOSES

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
30							
11-1	RUCHMAN, MEYER	2441 Riverside		209	11 of JUNE DITCH		COMMERCIAL 2ND ADDITION
2	"	"		210	"		"
3	"	"		211	"		"
4	AMERICAN HOIST & DERRICK CO.	2511 Taylor		209	P. J. of JUNE DITCH		"
5	"	"		210	"		"
6	"	"		211	"		"
7	"	"		208	"		"
8	"	"		215	"		"
9	"	"		216	"		"
10	"	"		217	"		"
11	RUCHMAN, MEYER	2441 Riverside		212	"		"
12	BOSWELL, GARFIELD M. & MOLLIE C.	2623 Taylor		213	"		"
26-13	LECHER, PAUL & LUBA	1784 Williams		225	"		"
14	"	"		226	"		"
15	"	"		227	"		"
16	"	"		228	"		"
17	"	"		229	"		"
3-33-29-23-	B. J. FRANKENSTEIN	225 E. Burg		230	"		"
18	"	"		231	"		"
19	"	"		232	"		"
20	"	"		246	"		"
21	KETTLER, MARGERY P.	46 - 1/2 Mill Rd		247	"		"
22	HOBBS, DERYLL F. & FLORENCE E.	2332 Riverside		248	"		"
23	B. J. FRANKENSTEIN	225 E. Burg		249	"		"
24	"	"		250	"		"
25	"	"		383	"		COMMERCIAL 3RD. ADDITION
26	LECHER, PAUL & LUBA	1784 Williams		16	"		COMMERCIAL ADDITION
27	BRAGG, DOUGLAS C. & FANNIE	224 Taylor		384	"		COMMERCIAL 3RD. ADDITION
28	WRIGHT, WINSTON	204 1/2 Mill Rd		17	"		COMMERCIAL ADDITION
29	B. J. FRANKENSTEIN	225 E. Burg		18	"		"
30	ABERNATHY, NICY	2531 Culbertson		19-W-3	"		"
31	"	"		441	"		COMMERCIAL 3RD. ADDITION
32	LONG, EDDIE	2281 Culbertson		48	"		COMMERCIAL ADDITION
33	B. J. FRANKENSTEIN	225 E. Burg		47	"		"
34	BAIN, JAMES J.	244 Du. Ave. Lane		442	"		COMMERCIAL 3RD. ADDITION
65-45-39-	HOUSING AUTHORITY OF FT. WAYNE	1825 Morris		49	"		COMMERCIAL ADDITION
35	"	"		50	"		"
36	"	"		490	"		COMMERCIAL 3RD. ADDITION
37	GEORGE, MAGDALINA DONGULA	2626 Beadell		491	"		"
38	GLASS, TOM & EMMA	1825 Morris		492	"		"
39	HOUSING AUTHORITY OF FT. WAYNE	"		493	"		"
40	"	"		494	"		"
41	"	"		495	"		"
42	"	"		539	"		"
43	"	"		540	"		"
44	"	"		85	"		COMMERCIAL ADDITION
45	FRANKING, JOHN & ALICE	1718 Wright		86	"		"
46	"	"		87	"		"
47	HOUSING AUTHORITY OF FT. WAYNE	1825 Morris		88	"		"
48	FORD, JOSEPH H. & JOANITA A.	170 W. Wright		89	"		"
49	ROSENWINKEL, WALTER F.	2122 S. Johnson		90 1/2	VAC. ST. ON-N		"
50	"	"		127 1/2	VAC. ST. ON-S		"
51	"	"		128	"		"
52	FLIGOR, ARISTINA	1222 Wright		129	"		"
53	"	"		130	"		"
54	NIX LEROY (TRUSTEE)	1217 Wright		131	"		"
55	"	"		132	"		"
60-57	DANIEL, NATHAN & FANNY & WILBUR & MARGUERITE	1609 Wright					"
58	"	"					"
59	"	"					"
60	DANIEL, NATHAN & FANNY & WILBUR & MARGUERITE	1609 Wright		133	"		"
61	"	"					"
62	"	"					"
63	HOWARD, LOUISE E.	1522 Wright		161	"		"
64	"	"		162	"		"
65	HOUSING AUTHORITY OF FT. WAYNE	"		163	"		"
TOTAL							

OK to CJC
10-25-67

PROPERTY OWNERSHIP LIST

